United Nations CRC/C/MHL/CO/3-4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of the Marshall Islands*

I. Introduction

1. The Committee considered the combined third and fourth periodic reports of the Marshall Islands (CRC/C/MHL/3-4) at its 2273rd meeting (see CRC/C/SR.2273), held on 29 January 2018, and adopted the present concluding observations at its 2282nd meeting, held on 2 February 2018.

2. The Committee welcomes the submission of the combined third and fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/MHL/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held through videoconferencing with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of, or accession to, international instruments, in particular the accession in 2015 to the Convention on the Rights of Persons with Disabilities. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the Child Rights Protection Act 2015, the Public School System Act 2013 and Child Protection Policy 2014, amendments to the Births, Deaths and Marriages Registration Act 1988, which raise the legal age of marriage for girls from 16 to 18 years, and the appointment of a coordinator of projects for children within the Child Rights Office.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee draws the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: violence against children, in particular corporal punishment (para. 19); children deprived of a family environment (para. 25); adolescent health (para. 31); impact of climate change on the rights of the child (para. 34); education (para. 37) and trafficking and sexual exploitation (para. 39).

* Adopted by the Committee at its seventy-seventh session (15 January–2 February 2018).

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A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

5. **While welcoming the enactment of the Child Rights Protection Act and the Government's decision to designate the Ministry of Culture and Internal Affairs as the authority responsible for implementing the Act, the Committee recommends that the State party:**

(a) **Continue its efforts to harmonize domestic law, including customary law, with the principles and provisions of the Convention;**

(b) **Take all measures necessary to effectively implement child-related legislation, in particular by expediting the adoption of regulations to establish mechanisms for the implementation of such legislation;**

(c) **Ensure adequate human, technical and financial resources for the implementation of legislation providing for children's rights.**

Comprehensive policy and strategy

6. **The Committee encourages the State party to:**

(a) **Prepare and adopt a comprehensive national policy on children that encompasses all the areas covered by the Convention and, on the basis of the policy, develop a strategy for its implementation, which is supported by sufficient human, technical and financial resources;**

(b) **Ensure the full participation of all relevant stakeholders, including children, in the development of the child protection policy and undertake regular assessments of the effectiveness of its implementation.**

Coordination

7. **While noting the appointment of a coordinator of projects for children within the Child Rights Office, the Committee recommends that the State party strengthen interministerial coordination by ensuring that the Child Rights Office is provided with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national and local levels. The State party should ensure that the said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.**

Allocation of resources

8. **The Committee recommends that the State party allocate adequate financial, human and technical resources for the implementation of the recommendations in the present concluding observations, as well as of all policies, plans, programmes and legislative measures directed to children, and with reference to the Committee's general comment No. 19 (2016) on public budgeting for the realization of children's rights, establish an inclusive and transparent budgeting process that includes a child rights perspective, needs assessments and expenditure monitoring mechanisms. In particular, the Committee recommends that the State party:**

(a) **Establish appropriate mechanisms and inclusive processes through which civil society, the public and children can participate in all stages of the budget process, including formulation, implementation and evaluation;**

(b) **Ensure that allocated funds are efficiently and appropriately spent, including through audits and eradication of corruption;**

(c) **Enhance its efforts to mobilize domestic resources in order to ensure the sustainability of policies, programmes and projects directed to children after the expiry of the Compact of Free Association.**

Data collection

9. **While noting the Child Protection Baseline Report and the atlas of social indicators for children, and with reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Expedite its efforts to improve its data-collection system to cover all areas of the Convention, ensuring that data are disaggregated by, inter alia, age, sex, disability, ethnicity, national origin and socioeconomic background, in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;**

(b) **Ensure that data and indicators are shared among relevant ministries and are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(c) **Take into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights (OHCHR) report entitled *Human Rights Indicators: A Guide to Measurement and Implementation*.**

Independent monitoring

10. **With reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recalls its previous recommendation (CRC/C/MHL/CO/2, para. 19) that the State party:**

(a) **Expeditiously establish an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive and confidential manner;**

(b) **Ensure that such a monitoring mechanism is allocated sufficient human, technical and financial resources;**

(c) **Seek technical assistance from, among others, OHCHR and the United Nations Children's Fund (UNICEF).**

Dissemination, awareness-raising and training

11. **While noting the efforts in disseminating information on and creating awareness of the Convention at the national and community levels, the Committee recommends that the State party:**

(a) **Strengthen awareness and conduct systematic training on children's rights for professionals working with and for children, such as law enforcement officials, judges, lawyers, health-care personnel, teachers, school administrators, social workers, media professionals and others as appropriate;**

(b) **Strengthen community awareness-raising programmes, in close cooperation with non-governmental organizations and other stakeholders, in order to ensure that the provisions and principles of the Convention are widely recognized and understood by all children, in particular children in the outer islands, children with disabilities, children in alternative care and children "informally" adopted, as well as by parents, communities and church leaders;**

(c) **Include teaching of the Convention's principles and provisions at all levels of the school curricula, emphasizing tolerance and diversity.**

Cooperation with civil society

12. **While welcoming the increased cooperation with civil society organizations, the Committee recommends that the State party continue to strengthen its collaboration with civil society on children's rights, including by systematically involving civil**

society in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.

Children's rights and the business sector

13. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, the Committee recommends that the State party:

(a) Establish a legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the tourism industry;

(b) Establish mechanisms for the investigation and redress of violations of children's rights, with a view to improving accountability and transparency;

(c) Require companies to undertake child rights impact assessments and consultations, and full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts, and promote the inclusion of child rights indicators and parameters for reporting;

(d) Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children and widely disseminate the charter of honour for tourism and the World Tourism Organization global code of ethics for tourism among travel agents and in the tourism industry.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

14. While noting that the Constitution and legislation provide for protection from discrimination on several grounds, the Committee recommends that the State party:

(a) Amend section 12 of the Constitution to include disability as a prohibited ground for discrimination, in line with article 2 of the Convention and Proposal No. SC 13 of the Constitutional Convention (Amendment) Act of 2016, and ensure the full enforcement of relevant existing laws prohibiting discrimination;

(b) Take prompt measures to end de facto discrimination against all groups of marginalized and vulnerable children, particularly girls, children living in disadvantaged urban communities and on the outer islands, children living with HIV/AIDS and children with disabilities, including through targeted programmes ensuring equal access to all public services, in particular to adequate food, water, sanitation, quality education, adequate health care and housing;

(c) Carry out comprehensive education campaigns targeting relevant professionals working with and for children to prevent and combat all forms of discrimination, and establish accessible and effective mechanisms and procedures to monitor, receive and address complaints of discrimination.

Best interests of the child

15. While noting that the best interests of the child are explicitly set out in the Child Rights Protection Act, and with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the

best interests of the child in every area and for giving them due weight as a primary consideration.

Respect for the views of the child

18. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Effectively implement relevant legislation recognizing the right of the child to be heard in judicial and administrative proceedings, which should include the establishment of systems and/or procedures for social workers and courts to comply with this principle;**

(b) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, schools and the community, paying particular attention to girls and to children in vulnerable situations.**

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

17. **While noting the progress in terms of birth registration coverage, and taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee recommends that the State party:**

(a) **Strengthen its efforts to implement early birth registration procedures and issuance of birth certificates, with particular focus on birth registration at the community level;**

(b) **Review the registration process in order to improve the level of registration of births that do not take place in hospital facilities, and reintroduce mobile birth registration teams in the outer islands;**

(c) **Launch extensive awareness-raising programmes about the importance of birth registration and the process by which the children are registered;**

(d) **Ensure birth registration of children born out of wedlock and for those born to adolescent mothers;**

(e) **Seek technical assistance from UNICEF and the United Nations Population Fund, among others, for the implementation of these recommendations.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

18. The Committee notes the prohibition of corporal punishment in penal institutions and the provisions of the Child Rights Protection Act and the Public School System Act prohibiting corporal punishment in schools. However, it remains concerned that:

(a) Despite recent law reforms, corporal punishment continues to be widely practised and accepted in society as a means of disciplining children and is not explicitly prohibited in the home and in alternative care and day-care settings;

(b) Article 3.08 of the Criminal Code (amended in 2011) may be construed as a justification for the use of corporal punishment in child-rearing, as it provides for the right to use force for "prevention or punishment of the minor's misconduct" and for the maintenance of "reasonable discipline".

19. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) Amend the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act 2011 to explicitly prohibit corporal punishment in all settings;

(b) Repeal article 3.08 of the Criminal Code;

(c) Immediately and effectively implement provisions of the Child Rights Protection Act and the Public School System Act prohibiting corporal punishment in schools;

(d) Establish reporting mechanisms for the use of corporal punishment in all settings and ensure that investigations and administrative and legal proceedings are initiated promptly and systematically in relation to any case of corporal punishment, and that data on cases and their resolution are collected and disaggregated;

(e) Conduct awareness-raising and training programmes for parents, teachers, the police and professionals who work with and for children to encourage the use of alternative non-violent and participatory forms of discipline.

Violence, abuse and neglect

20. While noting the adoption of the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act and the creation of a Domestic Violence Unit within the Marshall Islands Police Department, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

(a) Effectively implement the Child Rights Protection Act and the Domestic Violence Prevention and Protection Act and ensure sufficient specialized police personnel for dealing with cases of violence, abuse and neglect;

(b) Strengthen mechanisms for monitoring the number of cases and the extent of violence, including sexual and psychological violence, abuse, neglect or maltreatment of children, in all settings;

(c) Ensure that professionals working with and for children, including teachers, social workers, medical professionals, and members of the police and the judiciary, receive training on their obligation to report, and to take appropriate action in reported cases of violence affecting children;

(d) Increase penalties provided under the Domestic Violence Prevention and Protection Act and ensure that reported cases of violence, abuse and neglect of children are adequately investigated and that the perpetrators are brought to justice;

(e) Strengthen support for child victims of violence, abuse, neglect and maltreatment, and ensure their access to adequate services for recovery, counselling and other forms of reintegration;

(f) Formulate a comprehensive strategy for preventing and combating violence, including sexual and psychological violence against children and abuse and neglect of children, paying particular attention to the gender dimension of violence and focusing on community-based programmes;

(g) Carry out awareness-raising and education programmes, including campaigns, with the involvement of children, in order to combat the stigmatization of child victims of sexual violence and abuse, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations.

Harmful practices

21. Concerned about the prevalence of customary child marriages, which particularly affect girls in the outer islands, the Committee urges the State party to prevent this practice, including by strengthening its awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental

health and well-being of girls, targeting children, parents, teachers, health professionals, local authorities, religious leaders, judges and prosecutors.

Helplines

22. **The Committee recommends that the State party expedite the establishment of a three-digit toll-free 24-hour helpline, available for all children, and promote awareness of how children can access the helpline.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

23. **While noting that the Child Rights Protection Act includes a specific provision on the child's right to parental care, the Committee recommends that the State party:**

(a) **Identify and elaborate strategies for providing parenting education, strengthening parenting capacities and improving the overall climate of child-rearing, in particular at the community level, and enhance social protection systems to support poor families in their child-rearing and nurturing efforts;**

(b) **Strengthen its efforts to ensure that mothers and fathers share equally the responsibility for raising their children, including by addressing the prevalent gender stereotypes concerning the tasks and roles of women and girls in the family and in the workforce.**

Children deprived of a family environment

24. The Committee notes that a number of laws, including the Child Rights Protection Act, the Domestic Relations Act (amended in 2002) and the Domestic Violence Prevention and Protection Act, include provisions for safe accommodation and alternative care facilities for children separated from their parents. While appreciating that kinship care is an integral part of Marshallese culture, the Committee is concerned that most children in alternative care are placed under kinship care or with extended family due to the absence, in practice, of social welfare services. It is also concerned that there are no monitoring mechanisms for family-based care for children.

25. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

(a) **Strengthen its legal framework and establish policy and minimum standards for monitoring family-based care for children;**

(b) **Provide all necessary social welfare services and support to families and alternative care providers;**

(c) **Ensure that children are separated from their parents as a measure of last resort only, when it is in their best interests and when it is necessary for their protection or well-being, and establish a system of foster care for children who cannot stay with their families;**

(d) **Establish quality standards for all available forms of alternative care and take children's views into consideration in any decision made about alternative care;**

(e) **Ensure the periodic review of all placements of children in alternative care with extended family and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.**

Adoption

26. While noting that formal and intercountry adoptions are governed by the Adoptions Act (amended in 2016) and are regulated by the Central Adoption Authority, the Committee urges the State party to:

(a) Review the amended Adoptions Act to ensure that any child under 18 years of age is eligible for adoption;

(b) Develop regulations and guidelines for all stakeholders in matters of adoption;

(c) Enhance the capacity of the Central Adoption Authority to oversee formal adoption processes, including liaising with child adoption agencies in other countries in cases of intercountry adoption;

(d) Increase awareness of formal adoption at the community level and promote and encourage formal domestic adoption;

(e) Further strengthen its awareness-raising and monitoring efforts to address any protection needs of children in customary adoptions;

(f) Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 1993.

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

27. While noting the adoption of the Rights of Persons with Disabilities Act 2015, the National Policy on Disability Inclusive Development (2014–2018) and Individualized Education Plans, as well as the creation of the Disability Coordinator's Office, and with reference to its general comment No. 9 (2006) on the rights of children with disabilities and to Sustainable Development Goals 4, 9, 10 and 11, the Committee recommends that the State party adopt a human rights-based approach to disability and:

(a) Ensure the effective implementation of the Rights of Persons with Disabilities Act and the National Policy on Disability Inclusive Development;

(b) Develop and support community campaigns and programmes to address discrimination and stigma against children with disabilities;

(c) Give priority to measures that facilitate the full inclusion of children with disabilities, including those with intellectual and psychosocial disabilities, in all areas of public life, such as leisure activities, community-based care and provision of social housing, with reasonable accommodation;

(d) Ensure access to all public buildings and public spaces, and all service delivery, and transportation in all areas, especially in the outer islands;

(e) Guarantee that all children with disabilities, including children with intellectual and psychosocial disabilities, have the right to inclusive education in mainstream schools, independent of parental consent, and ensure the availability of qualified assistance in integrated classes providing individual support and due attention to children with learning difficulties;

(f) Expand community-based rehabilitation, early identification and referral programmes for all children with disabilities and provide the necessary resources for families of children with disabilities.

Health and health services

28. While welcoming the steady decline of the under-5, infant and neonatal mortality rates since 1990, and with reference to its general comment No. 15 (2013) on

the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 3.2 of the Sustainable Development Goals to end preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:

(a) Reduce child mortality by improving access to and use of health, nutrition, water, sanitation and hygiene services, especially in the outer islands;

(b) Scale up immunization, particularly in the outer islands, and provide sufficient investment in suitable technologies, such as delivery and conservation, and human resource capacities for immunization services;

(c) Implement the newly developed Integrated Management of Acute Malnutrition guidelines;

(d) Fully implement the International Code of Marketing of Breast-milk Substitutes, develop a national programme for the protection, promotion and support of breastfeeding through comprehensive campaigns, provide support to mothers through appropriate counselling structures, and implement the World Health Organization/UNICEF Ten Steps to Successful Breastfeeding in all the hospitals, clinics and communities of the State party;

(e) Ensure that there are adequate facilities in place for the treatment of children, including sufficient numbers of well-trained health workers for children and pregnant women, especially obstetric neonatal care facilities, particularly in the outer islands;

(f) Waive the consultation fee to facilitate access by children from poor households to public hospitals;

(g) Strengthen its efforts to improve access to basic health-care services for all children, particularly in the outer islands, and provide mobile health-care teams with more resources so that they are more frequently available and reach a wider population.

Mental health

29. The Committee recommends that the State party strengthen both the quality and the availability of mental health services and programmes for children and, in particular:

(a) Increase the number of specialists in children's mental health, and ensure adequate psychosocial care and rehabilitation facilities and outpatient services specifically for children;

(b) Strengthen efforts to prevent suicide among children and adolescents, including by increasing the availability of psychological counselling services and social workers in schools and communities, and by ensuring that all professionals working with and for children are trained to identify and address early suicidal tendencies and mental health problems.

Adolescent health

30. The Committee is concerned about:

(a) The high rate of teenage pregnancies and sexually transmitted infections among adolescents;

(b) The lack of comprehensive age-appropriate sex education in the school curriculum;

(c) The criminalization of abortion, except when the life of the pregnant woman is put at risk, which leads teenage girls into unsafe abortions with consequent risk for their life and health;

(d) The limited access of teenage girls to safe reproductive and sexual health services, especially in the outer islands, and limited access to contraceptive methods, also due to fear of stigmatization;

(e) The lack of a policy or action plan on alcohol consumption, smoking and substance abuse among adolescents and the limited programmes and services available to those affected.

34. **With reference to its general comments No. 3 (2003) on HIV/AIDS and the rights of the child and No. 4 (2003) on adolescent health and development in the context of the Convention, and taking note of targets 3.5 and 3.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Adopt a new comprehensive sexual and reproductive health policy for adolescents that pays attention to all aspects of prevention, in particular of sexually transmitted infections, including HIV/AIDS, and of early pregnancies;**

(b) **Ensure that comprehensive age-appropriate sexual and reproductive health education is part of the mandatory school curriculum targeting adolescent girls and boys, with a particular focus on preventing early pregnancies and sexually transmitted infections, including HIV/AIDS;**

(c) **Decriminalize abortion in all cases for girls, ensure access to safe abortion and post-abortion care services, irrespective of whether abortion is legal or not, and ensure that the views of the girl are always heard and respected in abortion decisions;**

(d) **Improve adolescents' access to reproductive health care and related services and increase support for reproductive health and family planning services, including access to available and affordable contraception, especially in the outer islands;**

(e) **Develop a policy and plan of action on the use of alcohol, smoking, and drug abuse, by children and adolescents, and provide them with accurate and objective information and life skills education on preventing substance abuse, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.**

Environmental health

35. **Implement the recommendations of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (see A/HRC/21/48/Add.1), especially those relating to the immediate and continuing effects of the nuclear tests of the United States of America on children's health, the right to live in a healthy environment and indefinite displacement.**

Impact of climate change on the rights of the child

36. The Committee welcomes the adoption of the Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management 2014–2018 and the National Climate Change Policy Framework. It is, however, concerned about:

(a) The insufficient incorporation of climate change adaptation and disaster risk reduction into the school curriculum;

(b) The lack of a comprehensive disaster-sensitive social protection system;

(c) The insufficient inclusion of the special needs of children, including children with disabilities, in planning disaster risk reduction, preparedness, response and recovery;

(d) The inadequate number of and access to evacuation centres, particularly in the outer islands.

37. **The Committee draws attention to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-**

related planning and management in least developed countries and small island developing States. In particular, it recommends that the State party:

(a) Effectively implement the Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management 2014–2018 and the National Climate Change Policy Framework;

(b) Increase children's awareness and preparedness for climate change and natural disasters by including climate change adaptation and disaster risk reduction in the school curriculum and establish school-based programmes such as early warning systems;

(c) Develop a comprehensive disaster-sensitive social protection system and ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account;

(d) Review emergency protocols to include assistance and other support for children with disabilities during emergencies and natural disasters;

(e) Increase the number of evacuation centres and ensure that they are accessible to all children, especially children with disabilities and those living on the outer islands;

(f) Improve data and assessments in order to establish an evidence base for risk reduction and preparedness, particularly for the distinct needs and priorities of children with disabilities.

Standard of living

35. The Committee draws attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party:

(a) Consider holding targeted consultations with families and children, including those in vulnerable situations, and with civil society organizations, with a view to strengthening the strategies and measures for reducing child poverty;

(b) Strengthen the support available to children living in poverty, in particular those in single-parent families, families with three or more children and families with children with disabilities, and ensure that social protection measures cover the real costs of a decent standard of living for children, including expenses relevant to their right to health, a nutritious diet, education, adequate housing, water and sanitation;

(c) Take immediate steps to guarantee access to clean water and sanitation for all children, and ensure that sanitation facilities are reviewed and improved.

G. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

36. The Committee welcomes the adoption of the Public School System Act, which provides for the free and compulsory enrolment and attendance of children; the Public School System Strategic Plan for implementing the Child Rights Protection Act and the Public School System Child Protection Policy; the suspension in 2013 of the registration fee for all levels of public education; the nearly equal enrolment rates of boys and girls in both public and private elementary and secondary schools; and the solar panel installation project, which improved the access by students in the outer islands to education. However, the Committee is concerned about:

(a) The negative impact of indirect costs of education on children's access to education, especially for children living in poverty;

(b) The low enrolment rates at the pre-primary, primary and secondary levels of education;

(c) The high dropout rates at all levels of education, owing, inter alia, to child marriage, child pregnancy and child labour;

(d) The insufficient measures taken to facilitate access to education for children in situations of vulnerability, in particular those living on the outer islands.

37. **With reference to its general comment No. 1 (2001) on the aims of education, and taking note of target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations, the Committee recommends that the State party:**

(a) **Effectively implement the Public School System Act and the Public School System Strategic Plan for implementing the Child Rights Protection Act, and expeditiously adopt the new Child Protection Policy;**

(b) **Analyse the root causes of the low enrolment rates at the pre-primary, primary and secondary levels of education and implement appropriate actions to remedy it, including by eliminating the indirect costs of education;**

(c) **Ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;**

(d) **Develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school;**

(e) **Take measures to ensure equal access to quality education in all areas, particularly in the outer islands, including by establishing more boarding facilities for students, especially girls and children with disabilities;**

(f) **Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development.**

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Sale, trafficking and abduction

38. The Committee welcomes the adoption of the Prohibition of Trafficking in Persons Act 2017, the Child Rights Protection Act and article 251 of the Criminal Code (as amended in 2011), as well as the creation, in 2014, of a National Task Force on Human Trafficking. It remains, however, seriously concerned about:

(a) The high number of girls, particularly from East Asian countries, who are subjected to domestic servitude and commercial sexual exploitation, including for sex tourism;

(b) The absence of prosecutions and convictions in cases of trafficking of children;

(c) The lack of a child-specific complaints mechanism able to effectively receive, monitor and investigate reports on cases of child trafficking and exploitation;

(d) The inadequate preventive measures and psychological and social support, as well as the lack of legal assistance and health services for child victims;

(e) The lack of data on trafficking and economic and sexual exploitation of children.

39. **The Committee urges the State party to:**

(a) **Ensure that legislation relating to trafficking and exploitation of children is enforced and that the perpetrators of such crimes are brought to justice and punished with sanctions that are commensurate to their crimes; provide systematic**

training for law enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner that respects confidentiality; and ensure that children who are victims of trafficking are exempted from any liability;

(b) Strengthen the capacity of the National Task Force on Human Trafficking, to ensure inter-agency coordination between government entities to combat trafficking and exploitation and enhance its cooperation with civil society;

(c) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child trafficking and exploitation and expeditiously adopt the victim identification and referral standard operating procedures;

(d) Strengthen awareness-raising activities to combat trafficking and exploitation of children and establish an accessible, confidential, child-friendly and effective complaint mechanism that can receive, monitor and investigate reports on cases of child trafficking and exploitation and raise children's awareness about it;

(e) Establish protective mechanisms and services to safeguard children at risk of being subject to trafficking or sexual exploitation, including forced prostitution, pornography and sex tourism; address and respond to the health, legal and psychosocial needs of child victims of these practices, among other things by providing them with shelter; and ensure the development of programmes and policies for the recovery and social reintegration of child victims, in accordance with the declaration and agenda for action and the global commitment that were adopted at the World Congress against Commercial Sexual Exploitation of Children, of 2001;

(f) Improve access to data on victims of trafficking and exploitation, disaggregated by sex, age and nationality, and strengthen coordination between all actors in the protection system;

(g) Consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Economic exploitation, including child labour

80. The Committee recommends that the State party:

(a) Develop appropriate regulations for vocational or professional training of children who have completed compulsory education and have not reached the age of 18;

(b) Take the necessary measures to strengthen the capacity of labour inspection services in order to ensure monitoring of child labour in the informal economy and to guarantee the protection afforded by the Convention, and by putting in place social programmes that target the elimination of child labour, especially its worst forms;

(c) Consider ratifying the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), Worst Forms of Child Labour Convention, 1999 (No. 182), and Domestic Workers Convention, 2011 (No. 189).

Administration of juvenile justice

81. With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:

(a) Amend section 107 of the Criminal Code to raise the minimum age of criminal responsibility in accordance with acceptable international standards, including for the crime of murder and rape, as well as the Juvenile Procedures Act 1966 to ensure that no child between 16 and 18 years of age is treated as an adult;

(b) Designate specialized judges for children and ensure that such judges and all relevant support staff, including prosecutors and social workers working with and for children, receive appropriate training;

(c) Ensure the provision of free, qualified and independent legal aid to children in conflict with the law at an early stage of and throughout the legal proceedings;

(d) Promote non-judicial measures in the case of children in conflict with the law, such as diversion, mediation and counselling, and, wherever possible, use non-custodial measures at sentencing, such as probation and community service;

(e) Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;

(f) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

I. Ratification of the Optional Protocols to the Convention

42. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Optional Protocols to the Convention on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography, and on a communications procedure.

J. Ratification of international human rights instruments

43. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the core human rights instruments to which it is not yet a party.

K. Cooperation with regional bodies

44. The Committee recommends that the State party cooperate with regional organizations such as the Pacific Community and the Pacific Islands Forum, among others.

IV. Implementation and reporting

A. Follow-up and dissemination

45. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third and fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

46. The Committee recommends that the State party continue to strengthen its national mechanism for reporting and follow-up, the Human Rights Committee, as a standing government structure that is mandated to coordinate and prepare reports to and to engage with international and regional human rights mechanisms, as well as to

coordinate and track national follow-up and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.

C. Next report

47. The Committee invites the State party to submit its combined fifth to seventh periodic reports by 2 May 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

48. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.